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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John Rodriguez

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10/04/2004

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,009	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> Jerome Grant II	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19, 22, 23, 25, 28, 32, 34, 37-40, 43-45 and 47-50 is/are rejected.
- 7) ☒ Claim(s) 17, 20, 21, 24, 26, 27, 29-31, 33, 36, 41, 42, 46 and 51-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9-30-04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

JEROME GRANT II  
PRIMARY EXAMINER

### **Detailed Action**

1.

Claims 40-42 are rejected under 35 U.S.C. 101 because claim 1 is directed toward a method and claim 40 depending on claim 1, is directed toward a system. Claim 40 does not fit within any of the statutory categories of inventions. Correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 9, 13-16, 18, 19, 22, 25, 28, 32, 34, 35, 37 and 47-50 rejected under 35 U.S.C. 102(e) as being anticipated by Jebens.

With respect to claim 1, Jebens teaches a method for improving online access to digital images comprising: creating digital images via MAC/PC 38 according to figure 2; transferring copies of the digital images to a central server (via server 32, 44, 24 or 28 according to figure 2); transferring lower-resolution copies of the digital images to the central server using relatively low band width communication, according to col. 5, lines 23-27; subsequently transferring higher resolution copies of the digital images to the central server using relatively high bandwidth communication (col. 5, lines 29-35); in response to a user request for online access to the digital images from a browser, transferring said lower resolution copies to the browser for online viewing, see col. 12, lines 18-44 regarding the browser for reviewing images from server 24, see also col. 5, lines 23-26. Jebens teaches that in response to a user request for a high resolution image, transferring the higher resolution copy of that image to the browser, see col. 12, lines 18-44 regarding browser for reviewing images from server 24 and col. 5, lines 29-37 regarding transfer of high resolution images.

With respect to claim 2, see col. 1, lines 53-55.

With respect to claims 4 and 39, see col. 2, lines 19-26.

With respect to claims 5 and 40, see col. 12, lines 18-44 and col. 5, lines 29-37.

With respect to claim 6, see col. 12, lines 44-48.

With respect to claims 7 and 43, see col. 5, lines 45-53.

With respect to claims 8 and 44, see col. 5, line 50. The original size data is inherently full size image data.

With respect to claim 9, See col. 8, lines 12-14 which addresses the acquisition of high resolution images over a server 30. See col. 12, lines 26-50 that address manipulation of data over the Internet via server 24.

With respect to claims 13 and 47, Jebens teaches low resolution images transferred over the Internet via server 24, see figure 2.

With respect to claims 14 and 48, see figures 1 and 2 and col.7, lines 35-40 which discusses Internet Explorer which uses an HTTP protocol.

With respect to claim 15, see figure 2 where plural elements 14 comprise scanner 48 which is connected to server 24.

With respect to claims 16 and 50, Jebens teaches creating a tape archive (items recorded on digital files); and transferring information from the tap to the central server

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(anyone of servers 22, 24, 26, 28, 30 and 32) This information is also stored on a database.

With respect to claim 18, see col. 8, lines 12-36 regarding the electronic data transfer.

With respect to claim 19, see col. 5, lines 55-60 of Jebens.

With respect to claim 22, Jebens teaches transferring the low res. Copies from the server 24 to the Web site (Telecom Inter/Internet), see figure 2; and transferring low res. Copies of the copies of the digital images using high speed network. See col. 5, lines 20-36.

With respect to claim 25, images are stored on a mini server (other servers fro 22, 26, 28, 30 and 32), see figure 2.

With respect to claim 28, servers 22, 24, 26, 28, 30 and 32 can be identified by a claim ID.

With respect to claim 32, this limitations is inherent in that if the user selects this function through the user interface, 12, 14 and 16.

With respect to claim 34, see scanner 48.

With respect to claim 35, this limitations is inherent in Jebens according to the teaching at col. 5, lines 55-60.

With respect to claim 37, Jebens teaches a system providing online access to digital images comprising: plural scanner units (plural units 48 connected to the network) for scanning a photographic film (transparencies –given film has been developed), see col. 1, lines 53-55; a central sever (any one of servers 22, 24, 26, 28, 30 and 32) for holding digital images; transport mechanism (server 22) for transferring both the full and low resolution images from scan centers 14 to the central server 24 or 22. Jebens teaches a high volume transport mechanism (modem 43) as claimed ; low resolution mechanism (modem 43); wherein said low volume and high volume transport mechanism operates to transfer respective images to the central server after the lower resolution images have been transferred. See col. 12, lines 18-44 and col. 5, lines 29-37.

With respect to claim 49, this limitation is inherent with respect to figure 2.

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2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Schaeffer.

Jebens teaches all of the subject matter upon which the claim depends. While Jebens mentions taking images from transparencies the reference does not show that the transparencies were from digitized photographs. Assuming one could argue that the transparencies are not photos, Schaeffer teaches a scanner 60 for digitizing negatives, see col. 2, lines 7-10.

Since, Jebens and Schaeffer are both directed toward digitizing images and the processing of them, the purpose of digitizing photographs would have been recognized by Jebens as set forth by Schaeffer.

It would have been obvious to replace or modify scanner 48, shown in figure 2, with the scanner 60 of Schaeffer so that one may read and digitize photographs.



3.

Claims 11, 12, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Cao.

With respect to claims 11 and 47, Jebens teaches all of the subject matter upon which the claim depends except for the specific teaching of enlarging the digital image.

Cao teaches a zoom function for enlarging image, see paragraph 18.

Since, Jebens teaches a client browser for processing image data, and Cao teaches a zoom function as an image processing function, the purpose of enlarging an image would have been recognized by Jebens as set forth by Cao. It would have been obvious to modify the client browser in figure 2 to accommodate the processing of images from unit 14 by enlarging the images, as set forth by paragraph 18 of Cao.

With respect to claims 12 and 45, Jebens teaches all of the subject matter upon which the

claim depends. Jebens suggests images are displayed at low resolution. But, Cao teaches displaying image in full resolution (high resolution), see paragraph 18. Since Jebens and Cao are both in the art of image processing of digital images, the purpose of displaying images in high resolution would have been recognized in Jebens as set forth in Cao.

It would have been obvious to modify the server 24 of Jebens so that it uses the same software or hardware as explained by server 18 of Cao to allow the viewer to see full images as taught at para. 18 of Cao the low resolution image transferred over the Internet via server 24, see figure 2.

4.

### **Claims Objected**

Claims 17, 20, 21, 24, 26, 27, 29-31, 33, 36, 46 and 51-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 41 and 42, these claims contain allowable subject but applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**J. Grant II**



JEROME GRANT II  
PRIMARY EXAMINER